

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

AUG 21 2015

CHARLES J. SIRAGUSA
United States District Judge
Western District of New York
DEPARTMENT OF LAW

DENNIS M. BROWN
COUNTY ATTORNEY

Via Facsimile & First Class Mail

August 14, 2015

Hon. Charles J. Siragusa
U.S. District Court
Western District of New York
1360 U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: *Montgomery v. Cuomo et al.*
Docket No. 14-CV-6709 (CJS)

Dear Judge Siragusa:

As the Court is aware, this office represents defendant the Hon. Vincent F. DeMarco, the Suffolk County Sheriff in the above referenced action.

We respectfully write Your Honor with respect to the Court's order dated June 22, 2014 (*See* ECF Docket Entry No. 35) scheduling oral argument on defendants' motions to transfer venue of this action to the Eastern District of New York and to dismiss plaintiff's Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Given that the Rochester courthouse is over a 7 hour drive away from the undersigned's office located in Hauppauge, New York, defendant respectfully requests that it be permitted to appear by telephone for the motion hearing.

This is counsel's first request of this kind in this matter.

Thank you for your kind consideration.

Respectfully submitted,

Dennis M. Brown
Suffolk County Attorney

By: Rudolph M. Baptiste
Assistant County Attorney

RMB

SO ORDERED

CHARLES J. SIRAGUSA
U.S. District Judge

DATE 8-25-15